

Readoption Review

Public and Semi-Public Pools 410 IAC 6-2.1

IC 4-22-2.5-3.1(c) requires an agency to conduct a review to consider whether there are alternative methods of achieving the purpose of the rule that are less costly or less intrusive, or that would minimize the economic impact of the proposed rule on small business.

Description of Rule:

The Indiana State Department of Health (ISDH) has responsibility for the regulation of public swimming pools in the state of Indiana. In 1996, the Indiana General Assembly enacted IC 4-22-2.5, to establish automatic expiration of any rule in effect for more than seven years, and to create a streamlined method for readoption of such rules without change. On May 19, 2003, in accordance with IC 16-19-3-4, the ISDH adopted 410 IAC 6-2.1 to establish requirements for safety and the proper and sanitary operation of public swimming pools. In accordance with IC 4-22-2.5, 410 IAC 6-2.1 must be readopted if it is to remain in effect.

Readoption Analysis:

1) Is there a continued need for this rule?

IC 16-19-3-4 provides the ISDH the authority to adopt rules for the protection of public health at public swimming pools. Proper operation of a swimming pool ensures injury prevention and reduction and control of the spread of waterborne diseases. Infections with certain waterborne pathogens may have serious and life-threatening consequences, particularly in high-risk populations such as immuno-suppressed, pregnant women, the elderly, and the young. Because of these risks, it is in the best interest of public health that this rule remains in effect.

2) What is the nature of any complaints or comments received from the public, including small business, concerning the rule or the implementation of the rule by the agency?

Since administration of this rule is mainly conducted by staff from local health departments and not, in most cases, by the ISDH staff, most complaints received by this agency are related to the personalities of the local inspectors and not about the requirements of the rule. This rule sets minimum standards or standards within a particular range. These standards are based on sound pool sanitation science from the federal government's Center for Disease Control, so the requirements are commonly accepted practices.

3) Examine the complexity of the rule, including difficulties encountered by the agency in administering the rule and small businesses in complying with the rule.

The standards for sanitary operation of a swimming pool are very straightforward, however, to apply the standards to achieve compliance can be a little complicated because it involves, in some instances, testing and then calculating the proper amount of chemicals needed to add to the pool water to maintain it within the standard's range. We recommend that all pool managers become Certified Pool Operators (CPO). This is a course offered by the National Swimming Pool Foundation. All of the ISDH field staffers that inspect pools and provide technical assistance to the local health departments are CPOs. We provide periodic training for public pool owners and local health departments on proper swimming pool operations. Also, the ISDH field staff are always available for one-on-one training and assistance to public pool owners and local health departments upon request. The ISDH makes every effort to provide information and technical assistance to make sure public swimming pool operators maintain proper disinfectant levels and prevent injuries in accordance with the rule.

4) To what extent does the rule overlap, duplicate, or conflict with other federal, state, or local laws, rules, regulation, ordinances?

This rule does not overlap, duplicate, or conflict with any other federal, state, or local laws, rules, regulations, or ordinances. Local health department swimming pool ordinances reference or incorporate the state rule.

5) When was the last time the rule was reviewed under this section or otherwise evaluated by the agency, and to which technology, economic conditions, or other factors have changed in the area affected by this rule since that time?

This rule was last updated on May 19, 2003. Currently, the rule is in the process of being revised again. It is being updated to add a section regulating pools and spas at tourist homes; to clean up code citation errors and reference new federal law changes; to clarify/simplify sections of the rule that have been confusing; and to update the rule to incorporate the latest pool and spa operation science. This proposed update has been preliminarily adopted by the ISDH, but most likely promulgation will not be completed before the provisions of IC 4-22-2.5 cause the current rule to automatically expire.